

REMARKS

Applicants have reviewed the Office Action dated June 9, 2009, and the references cited therein. Claims 1-27 were previously pending. All claims currently stand rejected. Applicants have amended the claims and submit that, for at least the reasons set forth herein below, each of the presently pending claims (1, 4-12, 15-23, and 25-28) is patentable over the prior art. Applicants note that the amendment to claim 1 (incorporating the claimed subject-matter of claims 2 and 3) addresses the Office Action's rejection (at pages 2-3) of claim 1 under section 112, paragraph 1, as allegedly reciting a single step.

The Office Action raised an objection to the numerical references in the claims. Applicants have removed all the numerical references to address the objection.

Applicants, in response to the claim rejections, have amended each of the independent claims (1, 12 and 23) to include additional recited elements directed to "modifying the predetermined relationship between the bending force and the visual display." For the reasons set forth herein below, the cited prior art references neither disclose nor suggest the combinations recited in each of the independent claims (1, 12, and 23). The aforementioned amendments make clear the differences between Applicants' claimed invention, wherein the "predetermined relationship between the bending force and the visual display" is itself modifiable, and the teachings of the cited prior art Fishkin reference where the relationships are fixed.

Applicants request favorable reconsideration of the previous claim rejections in view of Applicants' amendments and remarks provided herein.

Please charge any fee deficiencies to Deposit Account No. 12-1216.

Summary of the Prior Art Based Rejections

1. Claims 1-8, 12-19, 23 and 24 are rejected under 35 U.S.C. Section 102(b) as anticipated by Fishkin et al. US Pat. No. 6,160,540 (Fishkin).
2. Claims 9-11 and 20-22 are rejected under 35 U.S.C. Section 103(a) as obvious over Fishkin in view of Fujiede et al. US Pub. App. 2002/0070910 (Fujieda).
3. Claims 25-27 are rejected under 35 U.S.C. Section 103(a) as obvious over Fishkin in view of Sawyer US Pub. App. 2004/0052037 (Sawyer).

Applicants traverse the grounds for each and every rejection of the previously pending claims in view of the current amendments and for at least the reasons set forth herein below. Applicants address the specific rejections in the order they arise in the Office Action.

Applicants' Argument Regarding the Prior Art-Base Rejections

1. Rejection of Claims 1-8, 12-19, 23 and 24 As Anticipated by Fishkin

Applicants traverse the rejection of independent claim 1 (incorporating previously pending claims 2 and 3) since Fishkin neither discloses nor suggests at least the now-recited "modifying the predetermined relationship" step. Applicants have amended claim 1 to now include "modifying the predetermined relationship between the bending force and the visual display" – a step previously recited in the now-canceled claim 3. No such "modifying" step is even remotely disclosed in Fishkin which merely discloses a control of a display through bending of the display apparatus where the *relationship between sensed bending and corresponding display actions is fixed (i.e., not modified/modifiable using a control device)*. Since the claimed modifying of the predetermined relationship step is not disclosed in Fishkin, it is also necessarily true that Fishkin does not have a "control device for modifying the predetermined relationship."

Applicants' claimed invention is directed to a method for controlling a visual display of a display panel through a set of modifiable relationships between applied bending forces and corresponding display actions (e.g., moving a cursor, scrolling a page, etc.). In accordance with the claimed steps, a bending force applied to the display panel is detected. *See, e.g.,* Applicants' page 3,

line 19, to page 4, line 2. The claimed method includes modifying the display according to a predetermined relationship between the bending force and the visual display, such as moving a cursor on the display based on the bending force. *See, e.g.*, page 4, lines 7-17. Bending the display more causes the paging/scrolling to occur faster in an exemplary embodiment.

Moreover, Applicants' claimed method recites a "control device for modifying the predetermined relationship between the bending force and the visual display" and "modifying the predetermined relationship between the bending force and the visual display" *See, e.g.*, page 4, lines 7-12 and 25-28. Thus, in accordance with an exemplary embodiment, the control device is used to switch between a variety of operating modes for controlling the display through an applied bending force. Also, in accordance with the claimed "modifying the predetermined relationship" step, a "tuning" capability is disclosed wherein the relationship changes between the magnitude of the applied force and the speed at which scrolling occurs (or other change to a display occurs). The "tunable" functional modes include: moving a cursor (page 4, lines 13-17), scrolling, and page up/down (page 4, lines 18-24). In other words, the claimed "modifying the predetermined relationship" involves *changing the magnitude of the response of a display operation carried out in response to a same bending action/force while in a particular operational mode*.

In contrast to Applicants' presently claimed invention where a same bending force can result in different degree (speed) of an action carried out, Fishkin discloses a display apparatus with a *fixed set of pre-configured responses to certain deformations of the display apparatus*. *See, e.g.*, Fig. 3 device 122, and Fig. 5 device 142. Moreover, Fishkin discloses primarily "binary" (on/off) actions that do not even rely upon sensing a degree to which a force is applied.

Thus, Fishkin indeed discloses, in accordance with *original* claim 1, a method for controlling a visual display on a display by applying a bending force to the display. However, the bending operations have a fixed relative *effect* during the operation of the devices depicted in Fishkin. That is to say, Fishkin does not disclose the recited step of "modifying the predetermined relationship between the bending force and the visual display."

Applicants submit that while Fishkin discloses affecting a display by applying bending force to the display, it does not disclose Applicants' claimed invention. In particular, the claimed

invention discloses a modifiable relationship between applied bending force and a particular display function. This relationship tuning functionality, is neither disclosed nor suggested by Fishkin which discloses a *fixed* set of responses to particular bending forces. The Office Action does not identify any teaching in Fishkin relating to *modifying* the predetermined relationship between bending force and resulting display actions. Thus, Applicants traverse the assertion at page 4, lines 1-5, of the Office Action that Fishkin teaches "modifying the predetermined relationship" between bending force and the visual display.

For at least the above reasons Fishkin does not anticipate Applicants' invention recited in independent claim 1 which combines the recited elements of previously pending claims 1-3. In the event the rejection of claim 1 is not withdrawn in view of the present amendment, Applicants request identification of the recited, and further explained "modifying the predetermined relationship" step in Fishkin.

Applicants traverse each of the Office Action's rejections of independent claims 12 and 23 (in view of similar amendments to those incorporated into now pending claim 1).

Moreover, Applicants traverse the rejection of each of the dependent claims identified as anticipated by Fishkin for at least the reasons set forth herein above regarding the patentability of amended claim 1 over Fishkin. Applicants reserve the right to address any of these rejections in the event that amended claims 1, 12 and 23 are not allowed.

Applicants specifically traverse the rejection of **dependent Claims 4, 15 and 28** as anticipated by Fishkin. The recited additional claim elements correspond to a "converse" operational mode wherein the *control device* (e.g., touch pad 29 or joystick 30) is used to provide input for modifying the display, AND the *predetermined relationship* between the *control device* and the display is *modified according to a bending force applied to the display panel*. See, e.g., Specification, page 4, line 28 to page 5, line 2. In contrast, Fishkin (similar to the above discussion relating to the identified errors in the rejection of claim 1) provides no mechanism for *modifying* the claimed "predetermined relationship between the input applied to the control device and the visual display." **In the event the rejection of claims 4 and 15 is not withdrawn (and new claim 28 allowed), Applicants request identification of:**

1. the recited "predetermined relationship between a control device and a display"; and
2. how application of a *bending force* changes the predetermined relationship between the *control device* and the *display*.

2. Rejection of Claims 9-11 and 20-22 as obvious over Fishkin in view of Fujiede

Applicants traverse the obviousness rejection of dependent claims 9-11 and 20-22 for at least the reasons set forth herein above regarding claims 1 and 12 from which each of these claims depends. Applicants reserve the right to provide additional grounds in the event that amended claims 1 and 12 are not allowed.

3. Rejection of Claims 25-27 as obvious over Fishkin in view of Sawyer

Applicants traverse the obviousness rejection of claims 25-27, and submit that the Office Action has not established a *prima facie* case of obviousness with regard to dependent claims 25-27 for at least the reasons set forth for claim 22 from which these claims depend.

Applicants reserve the right to address the specific grounds for rejecting claims 25-27 in the event that the invalidity of claim 22 is properly established in any later action.

Conclusion

Applicants respectfully submit that none of the presently pending claims are obvious over the prior art. Applicants request allowance of the now pending claims 1, 4-12, 15-23, and 25-28. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



Mark Joy, Reg. No. 35,562
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6731
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: December 9, 2009